

No. 4:15-cv-1996

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RONALD JAMES HAMILTON, Jr.,

Petitioner,

v.

Bobby Lumpkin,

Director, Texas Department of Criminal Justice,
Institutional Division,

Respondent.

Proposed Order

Petitioner Hamilton requests to amend his prior pleadings related to claim one of his Amended Petition for Writ of Habeas Corpus to match the complete factual and legal basis of the claim as presently before this Court. The Federal Rules of Civil Procedure apply to proceedings under 28 U.S.C. § 2254. *See* Rules Governing § 2254 Cases, Rule 10. Civil Procedure Rule 15(a)(2) explains that “a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). “Rule 15(a) declares that leave to amend ‘shall be freely given when justice so requires’; this mandate is to be heeded.” *Foman v. Davis*, 371 U.S. 178, 182 (1962).

Because justice requires that Hamilton be permitted to amend his pleadings in this case, and there is no indication that Hamilton or his attorneys were deliberately dilatory, Hamilton will

be permitted to amend his pleadings to include all factual basis in his amended petition for writ of habeas corpus.

Accordingly, IT IS **ORDERED** that Hamilton's motion to amend his pleadings is **GRANTED**.

Signed this _____ day of _____, 2021.

Alfred H. Bennett, United States District Judge